

MADISON LEVERING ET AL.

VS.

B. M. HEIGHE, ADM'R OF
NATHAN LEVERING ET AL.

DECEMBER TERM, 1850.

[INFANTS—CONTRACTS BY.]

THERE is no doubt of the power of a female infant, by a contract before marriage, to bar herself of her right of dower in the real estate of her husband, and of her distributive share of his personalty.

So also a settlement upon a wife before marriage, in lieu of dower, to take effect immediately upon the death of the husband, and to continue during the life of the widow, if it appears to furnish a reasonable support for the widow, and to be certain and equitable, will be considered as a bar of her dower.

It seems equally clear that a female infant, before marriage, can bind her *general personal* estate by a settlement; because such personalty, upon the marriage, becomes the property of the husband. This general equity principle may be considered as modified in this state, by the act of 1842, ch. 293, in respect to the particular description of property therein referred to.

But a female infant would not be bound by a settlement of her *real estate* made before marriage.

Nor would a female infant be bound by an ante-nuptial settlement of her real estate or her separate personalty, though made with the approbation of the court.

Contracts made by infants for necessities are binding; one that the court can see and pronounce to be prejudicial to an infant, will be pronounced *void*; while such as may be for the benefit of the infant, will be held *voidable only*.

A female infant may give efficiency to a *voidable* settlement, either by an express confirmation after attaining majority, or by some act which would make it inequitable in her to impeach it.

If an infant does not live to ratify or reject a *voidable* contract made during his minority, it may be set aside by parties who are *privies in blood*, though not by those who are *privies in estate* only.

A. die intestate, leaving uncles and aunts, and the children of uncles and aunts: HELD, that under the act of 1820, ch. 131, sec. 4, the uncles and aunts are entitled to the whole real estate, to the exclusion of the children of the deceased uncles and aunts.

[The bill in this case was filed on the equity side of Baltimore County Court, on the 19th of September, 1834; for a sale of certain real estate. A decree was passed for a sale at September term, 1838, and the trustee filed his report of sales. The Auditor stated an account distributing the proceeds of sale, and exceptions were filed to parts of that report, by some of